THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.17297 of 2005

05-08-2005

Between:

M.H.Appa High School, Rep. By its Correspondent, M.Balaji Gangadhar Tilak, S/o late M.Hussainappa, Sriramnagar, Kurnool.

... PETITONER

AND

1.The Government of Andhra Pradesh, rep. By its Principal Secretary to Government, School Education Department, Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

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ORDER:

This writ petition is filed aggrieved by the action of the respondents in not permitting the petitioner to fill up the vacant post of Telugu Pandit Grade-II. Though permission was accorded by the fourth respondent to fill up the said vacant post on 27.07.2004, in view of the ban imposed by the Government vide its memo dated 20.10.2004, the respondents are not allowing the petitioner to fill up the said vacancy. Hence, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

Admittedly, the disputed vacancy had arisen due to retirement of an incumbent on 01.07.2004. Therefore, the petitioner-Institution made an application to the fourth respondent seeking permission to fill up the said vacancy, pursuant to which, proceedings dated 27.07.2004 were issued permitting the petitioner to fill up the vacancy in accordance with law. Thereafter, on the premise that the first respondent issued a memo dated 20.10.2004 imposing ban on filling up the aided vacancies, the respondents are not allowing the petitioner to fill up the vacancy. Hence, the present writ petition.

This Court has already taken the view that the ban imposed by the Government vide Memo dated 20.10.2004 has no application where the vacancies had arisen prior to the said date with reference to which even approvals were granted by the competent authority prior to the date of ban, the respective institutions are at liberty to proceed with the selection procedure for filling up the vacancy and the respondents are obligated to approve the said selections if the

selections are in accordance with law.

Under the above circumstances, the respondents are directed to allow the petitioner to proceed with the selection process for filling up of the vacant post of Telugu Pandit Grade-II in pursuance of the approval granted by the fourth respondent on 27.07.2004.

The writ petition is accordingly disposed of. No costs.

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05.08.2005

VGB